

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SERGIO BONILLA, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

ANCESTRY.COM OPERATIONS INC.,
a Virginia Corporation; ANCESTRY.COM INC.,
a Delaware Corporation; and ANCESTRY.COM
LLC, a Delaware Limited Liability Company,

Defendants.

Case No. 1:21-cv-00051

Hon. Judge Virginia M. Kendall

STIPULATION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Plaintiff Sergio Bonilla, with the consent of counsel for Defendants Ancestry.com Operations, Inc., Ancestry.com, Inc., and Ancestry.com LLC, pursuant to Fed. R. Civ. P. 15(a)(2), hereby moves this Court in accordance with Rule 15(a), for leave to file a Second Amended Complaint. A redline showing how the proposed Second Amended Complaint differs from Plaintiff's initial Complaint filed on December 14, 2020 (Doc. 1) is attached hereto as **Exhibit A**.

In support of this stipulation, the parties state as follows:

1. Plaintiff contends that the purposes of the proposed amendment are to: (1) add two additional named Plaintiffs who recently retained counsel to prosecute their claims against Defendants; and (2) update the pleadings to reflect claims that were dismissed by the Court (*see* Doc. 57). Plaintiff does not waive any appellate rights as to the dismissed claims by filing this Second Amended Complaint.

2. It is Defendants' position Plaintiffs' claims are subject to arbitration. Defendants have stipulated to the amendment pursuant to Fed. R. Civ. P. 15(a), subject to Plaintiffs' agreement this stipulation does not constitute a waiver of Ancestry's right to seek to compel arbitration. Accordingly, the Parties agree (1) this stipulation does not waive Ancestry's right to move to compel arbitration; and (2) this stipulation does not waive Plaintiffs' right to contest Ancestry's forthcoming motion to compel arbitration on any other waiver grounds unrelated to this stipulation.

3. Defendants explicitly reserve all rights and defenses, and dispute the allegations contained in the proposed Second Amended Complaint. Additionally, other than as set forth in Paragraph 2 of this stipulation, Plaintiffs expressly reserve all rights and defenses with respect to any motions Defendants may file with respect to the proposed Second Amended Complaint.

4. Accordingly, Plaintiff requests that this Court enter an order granting Plaintiff leave to file a Second Amended Complaint in the form attached hereto as **Exhibit A**.

5. In addition, the Parties agreed to and request that the Court enter the following briefing schedule for Defendants' response to Plaintiffs' Second Amended Complaint:

- a. Defendants' response shall be filed no later than thirty days after Plaintiffs file the Second Amended Complaint;
- b. Plaintiffs' response to any motion shall be due four weeks after Defendants' motion is filed;
- c. Defendants' reply shall be due two weeks after Plaintiffs file their response to the motion.

6. The parties do not currently seek any other schedule modifications related to this stipulation.

Dated: August 11, 2022

By: /s/ Raina C. Borrelli
Raina C. Borrelli

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CERTIFICATE OF SERVICE

I, Raina C. Borrelli, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 11th day of August, 2022.

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